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SUBJECT: FORMER HUMAN RIGHTS DEFENDER GRANDSTANDING,
POST VACANT

REF: 05 YEREVAN 2166

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SUMMARY

1. (SBU) Larisa Alaverdyan's tenure as Armenian Human Rights Defender (Ombudsman) concluded January 5, under the terms of Armenia's newly amended constitution (reftel). On January 4, President Robert Kocharian created an ad hoc commission to oversee the HRD's administrative activities until Parliament selects Alaverdyan's successor. The interim commission does not have the authority to act on human rights complaints. Disputing the timing, not the legality, of her dismissal, Alaverdyan has applied to the Constitutional Court (reftel), protesting Kocharian's decision to remove her. While she awaits a ruling, commission members are considering whether or not to suspend members of her former staff, who returned to work on January 9 to find Alaverdyan's personal office sealed and Ombudsman motor pool vehicles impounded. According to National Assembly (NA) Speaker Artur Baghdasaryan, the NA will appoint a new Ombudsman after reconvening on February 6. Alaverdyan told us she plans to release her version of the Ombudsman's 2005 Human Rights Report, which she claims will be heavily critical, "no matter what happens," and that she will continue to work on human rights issues in other public and private capacities. End Summary.

COMMISSION TAKES CONTROL OF OMBUDSMAN'S OFFICE

2. (SBU) On January 4, President Robert Kocharian appointed Constitutional Court Chief of Staff Arushan Hakobyan to head a three-member ad hoc commission (which includes Kocharian Deputy Chief of Staff Martin Zakaryan and Ministry of Justice Chief of Staff Nune Khachatryan) to oversee interim operations at the Ombudsman's office. According to Hakobyan, the commission sealed the Human Rights Defender's personal office, "a standard government procedure," and impounded office motor pool vehicles after Alaverdyan vacated her position on January 5. Hakobyan told us Kocharian's decree limits the commission to administrative duties only and prohibits commissioners from acting on human rights appeals. (Note: Human Rights Defender's Office Senior Advisor Martin Margaryan told us that office staff is still accepting and internally reviewing appeals. End Note.)

ALAVERDYAN MAKING NOISE, NOT PROGRESS...

3. (SBU) Over the last several weeks, Alaverdyan repeatedly told us she is determined to retain her post until Parliament appoints her successor (reftel). On December 26, Alaverdyan addressed an open letter to Parliament Speaker Artur Baghdasaryan, cautioning that failure to keep her in office (until a successor arrived) would paralyze the government's human rights advocacy efforts. On December 27, a parliamentary spokesperson told RFE/RL that Baghdasaryan had "no intention of responding" to Alaverdyan's letter. Alaverdyan told us she now plans to hold a press conference (possibly January 11) and an NGO roundtable (possibly January 13) to publicize her fight, as well as to urge Parliament to choose the next Ombudsman in an extraordinary session before the regular session convenes on February 6. Republican Party Leader Galust Sahakyan, the leader of Parliament's largest pro-government faction, told reporters that parliament will "promptly" elect Alaverdyan's replacement when it

reconvenes on February 6.

... VOWING TO RELEASE STEAMING REPORT, NO MATTER WHAT

14. (SBU) According to Alaverdyan, the Armenian Constitutional Court had not yet responded to an appeal she submitted on January 5 requesting temporary reinstatement as the Ombudsman. Alaverdyan openly contends that the decision to remove her from her post targeted her 2005 Annual Human Rights Report, which she has repeatedly claimed would be even more critical (reftel) of the government's human rights record. Alaverdyan said her report is complete, but needs heavy editing. As one of her last actions in office, Alaverdyan told us she issued an internal mandate that "requires the new Human Rights Defender" to release the report by February 20. She said she plans to publish the report in mid-February herself "no matter what."

COMMENT: NO NEW OMBUDSMAN BEFORE FEBRUARY

15. (SBU) Although Alaverdyan has chosen to portray her dismissal as a human rights issue, our reading of the new constitution makes it clear that her term ended January 5, and we see the identity of the Human Rights Ombudsman as less critical than the improved selection process under new constitutional guidelines. (Note: In previous conversations with us, Alaverdyan's concern about her future has been sounded largely personal, more a concern about losing her perks than about human rights. End Note.)

16. (SBU) By appointing a senior Constitutional Court official to the HRD interim committee, Kocharian -- whether intentionally or not -- is sending a not-so-subtle message: Alaverdyan has little hope of judicial recourse. We believe it is unlikely that either through publicity or court appeals, Alaverdyan will find help overturning Kocharian's decree before the National Assembly selects a successor. Rumors continue to circulate about potential replacements (reftel), though parties have not yet publicly (or privately) confirmed or denied their support for any of the candidates. Alaverdyan's past human rights reports have not created much media interest, and despite her threats to produce a more provocative report, we suspect public response (and interest) will remain lackluster.
EVANS